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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

ROBERT BARROR,

Plaintiff,

v.

**CITY OF SAINT HELENS, and ADAM
RAETHKE, in his individual capacity,**

Defendants.

Case No.:

COMPLAINT

(unreasonable seizure/excessive force)

42 USC 1983

**4th and 14th Amendments of the U.S.
Constitution**

AMOUNT PRAYED FOR: \$600,000

JURY TRIAL REQUESTED

PLAINTIFF, through his attorney Justin Steffen, bring this COMPLAINT against Defendants and alleges as follows:

1.

At all times material to this complaint, Plaintiff was traveling through the Portland Division of the District of Oregon. Defendant City of Saint Helens is a government organization operating in the Portland Division of the District of Oregon, and Defendant Raethke is a police officer employed of Defendant City of Saint Helens. The events giving rise to this Complaint occurred in the Portland Division of the District of Oregon. This Court has original jurisdiction of the federal claim contained in this Complaint pursuant to 28 USC 1331.

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2.

On or around 8/6/19, Plaintiff was driving home in Columbia County, Oregon. Plaintiff was returning from a medical appointment for an MRI of his right shoulder. Plaintiff had been suffering chronic shoulder pain for several months before this date.

3.

While Plaintiff was traveling north on Ross Rd. when he noticed that a police car had turned their sirens on behind Plaintiff. At the time, there was no safe place for Plaintiff to pull over, so he had to drive a short distance onto Bachelor Flat Rd. before he could pull off the road.

4.

After Plaintiff stopped his vehicle, Oregon State Police troopers approached Plaintiff's vehicle with their guns drawn and began yelling at Plaintiff incoherently. Defendant Raethke arrived on the scene a short time later and also drew his gun on Plaintiff. During this time, Plaintiff explained to the officers that his medical condition prevented him from raising his hands over his head while exiting the vehicle. Despite this explanation, the troopers and Defendant Raethke continued to insist that Plaintiff raise his hands and exit the vehicle. Even though it was physically impossible for Plaintiff to comply, the OSP officers and Defendant Raethke forcibly removed Plaintiff from the vehicle, throwing him on the ground on his side. The officers were also yelling incoherently at Plaintiff.

5.

Plaintiff was punched in the back a couple of times and then Defendant Raethke drove his knee into Plaintiff's rib cage. Defendant Raethke continued to use force and had to be stopped from injuring Plaintiff further by the OSP officers, who both told Raethke to stop using force on Plaintiff.

6.

At no time did Plaintiff resist arrest in any way. After his arrest, Plaintiff was not taken to

a hospital right away, even though he was seriously injured and explained to the police that he was in desperate need of medical attention. He was seen by an EMT, but the EMT determined that Plaintiff did not need to go to the hospital. Instead he was booked into the Columbia County jail. Plaintiff continued to try to explain that he needed medical attention and was finally seen by the same EMT that saw Plaintiff at the time of his arrest. Plaintiff pointed out that his shoulder was dislocated, at which point the EMT finally recognized that Plaintiff was seriously injured and instructed the other officers to take him to the hospital immediately.

7.

Plaintiff was taken to a Portland hospital, where he was examined by a doctor, who had Plaintiff transferred to Legacy Emanuel Hospital. Plaintiff was treated, but he lost consciousness at some point. He awoke later with a chest tube inserted. Plaintiff was diagnosed with an inferior dislocated shoulder, a hemothorax and a pneumothorax. Plaintiff also suffered numerous abrasions and still has scars from the injuries caused by Defendant. Plaintiff spent eight days in the hospital as a direct result of the injuries he sustained during his arrest. Plaintiff continues to suffer from chronic and acute shoulder pain and can barely use his right arm. He also continues to suffer from psychological trauma.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

(Unlawful seizure (excessive force): 4th Amendment to the U.S. Constitution; 42 USC 1983)

8.

Plaintiffs re-allege and incorporate Paragraphs 1-7 as if fully set forth here.

8.

Defendants' actions as described above constitute an unreasonable seizure of Plaintiff's person and property, in violation of the 4th Amendment. Defendants used unreasonable and

excessive force in effectuating their arrest of Plaintiff. As a direct result of Defendants' actions, Plaintiff has sustained non-economic damages due to pain, suffering, humiliation, and inconvenience in the amount of \$300,000.

PRAYER FOR RELIEF

11.

WHEREFORE, Plaintiff requests the following relief:

- A money award judgment entered against Defendants for \$300,000 in non-economic damages.
- Plaintiff's reasonable costs and attorney's fees associated with bringing this action, pursuant to 42 USC 1988(b).
- Punitive damages in the amount of \$300,000
- Any and all other relief the Court deems just and reasonable under the circumstances.

Respectfully submitted on: 5/4/20

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